



News Release

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Michigan, Other States, NAACP Prevail in Lawsuits Against U.S. Department of Education

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LANSING – The U.S. Department of Education (USED) acknowledged that it would not appeal the decisions of three federal courts regarding its interpretation of the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act and the requisite distribution of CARES Act funds to nonpublic schools within local school districts, the Michigan Department of Education said today.

In a letter to State Superintendent Dr. Michael Rice and state school chiefs across the country, U.S. Secretary of Education Betsy DeVos said she would not appeal the decisions of federal courts that ruled against her interim final rule to distribute federal CARES ACT funds to nonpublic schools within local school districts.

“Finally, local school districts are free to trust the intent of Congress and the plain language of the CARES Act and to use the federal funds as they were intended,” Dr. Rice said. “It’s too bad that states, local school districts, and other organizations had to sue to establish clarity under the law during a pandemic.”

Michigan Attorney General Dana Nessel and other attorneys general had filed suit to enjoin the U.S. Secretary of Education and the U.S. Department of Education from enforcing the U.S. Secretary’s interim final rule (IFR) for the allocation of these CARES Act funds for equitable services to nonpublic schools.

The U.S. secretary of education had used a formula different from the one in the CARES Act in her April 30 guidance as the basis for local school districts to allocate funds for equitable services to nonpublic schools. In her July 1 interim final rule, the U.S. secretary had offered a choice between formulas, one of which is unmentioned in the CARES Act and the other with conditions unmentioned in the CARES Act.

In USED’s press release announcing the decision not to appeal, the U.S. secretary of education was quoted as saying, “In the real world, the pandemic harmed everyone. Sadly, that fact did not stop some from suing us, attempting to deny private-school children and teachers help they needed.”

In Michigan, the difference between what nonpublic schools would have received under the U.S. secretary’s formula (\$21,604,648) and what they would receive

under the Title I, Part A formula specified in the federal CARES Act (\$5,107,921) is \$16.5 million.

State Superintendent Rice noted, "To be clear: This was always about giving nonpublic schools that to which they were entitled under the clear language of the federal CARES Act and never about denying nonpublic schools what they needed. In Michigan, they will receive \$5.1 million, the result of the Congressional formula."

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